

## **APPENDIX A**

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### **SCOPING COMMENTS**



United States Department of Agriculture

EI- 20426

Natural Resources Conservation Service  
Indiana State Office  
6013 Lakeside Boulevard  
Indianapolis, IN 46278  
317-290-3200

March 31, 2014

Dave Navecky  
Surface Transportation Board  
395 E Street, SW  
Room 1104  
Washington, D.C. 20423

Dear Mr. Navecky:

The proposed project regarding the increased train traffic and changes in train movements for joint use by CSXT and L&I's 106.5 mile rail line between Indianapolis, Indiana and Louisville, Kentucky, as referred to in your letter received March 24, 2014, will not cause a conversion of prime.

If you need additional information, please contact Rick Neilson at 317-295-5875.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY  
State Conservationist

Helping People Help the Land.



USDA is an equal opportunity provider and employer.



EI-20425

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

April 1, 2014

Mr. Dave Navecky  
Surface Transportation Board  
Room 1104  
395 East Street, SW  
Washington DC 20423

**RE: STB Docket No FD 35523, CSX Transportation, Inc. – Joint Use – Louisville and Indiana Railroad Company, Inc.: Consultation on Scope of Supplemental Environmental Assessment**

Dear Mr. Navecky:

Ohio EPA received the notice of application from CSX Transportation, Inc. and Louisville & Indiana Railroad, Inc. to your agency. We reviewed the project details and the anticipated environmental impacts as well as the proposed mitigation measures.

Active construction appeared to not be included for portions of the project in Ohio. However, should there be construction activity that disturbs more than one acre of soil, Ohio EPA would require the applicant to obtain a general storm water National Pollutant Discharge Elimination System (NPDES) permit for those activities. Information on how to obtain the general NPDES for construction sites in Ohio can be found here:

[http://epa.ohio.gov/dsw/permits/GP\\_ConstructionSiteStormWater.aspx](http://epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater.aspx)

Thank you for extending the opportunity to comment on this project.

Sincerely,

Debora Roth, P.E.

Manager  
Division of Surface Water

DR\bp



177 North Center Street  
P.O. Box 288  
Versailles, Ohio 45380-0288  
Phone: (937) 526-3294  
Fax: (937) 526-4476

To: Surface Transportation Board  
From: Rodd A. Hale, Village Administrator, Village of Versailles, Ohio  
Re: STB Docket No. FD 35523, CSX Transportation, Inc. –Joint Use-Louisville and Indiana Railroad  
Company, Inc.: Consultation on Scope of Supplemental Environmental Assessment.  
Date: April 3, 2014

This message is to clearly state the opposition of the Village of Versailles, Ohio towards any additional rail traffic through the Village of Versailles. Currently, it is estimated 28 trains per day travel through our community. It is felt by Village Council and Mayor Jeff A. Subler that any additional rail traffic would be detrimental to the citizens of the village.

Our obvious concerns are the increased noise, vibration, vehicle delay, emergency response, and grade crossing safety. Additionally, a bridge locally called the "1919" bridge, which carries the local rail tracks, and is the responsibility of CSX Transportation, Inc is dilapidated and already in disrepair. Additional traffic would accelerate this deterioration and we believe this is already a safety hazard.

The Village of Versailles is adamantly opposed to any additional traffic coming through the village. If it is so determined that additional rail traffic will occur, we request repairs to the bridge immediately west of the village receive due repair prior to any increased traffic.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Rodd A. Hale'.

Rodd A. Hale  
Village Administrator  
Village of Versailles, OH



Comments on scope of the Supplemental EA for CSX Transportation/Louisville & IN Railroad

McWilliams, Robin

to:

david.navecky

04/10/2014 01:23 PM

Hide Details

From: "McWilliams, Robin" <robin\_mcwilliams@fws.gov>

To: david.navecky <David.Navecky@stb.dot.gov>

El-20429

Dear Mr. Navecky,

We do not have any additional comments to provide regarding the scope of the Supplemental EA. The proposed scope appears adequate for our concerns.

Sincerely,

Robin McWilliams Munson

U.S. Fish and Wildlife Service  
620 South Walker Street  
Bloomington, Indiana 46403  
812-334-4261 Fax: 812-334-4273

\*\*\*Schedule\*\*\*

Monday, Tuesday - 7:30a-3:00p

Wednesday, Thursday - telework 8:30a-3:00p

**THIS IS NOT A PERMIT**

**State of Indiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Fish and Wildlife**  
**Early Coordination/Environmental Assessment**

**DNR #:** ER-17172-1

**Request Received:** March 24, 2014

**Requestor:** Surface Transportation Board  
Dave Navecky  
395 E Street SW, Room 1104  
Washington, DC 20423

**Project:** CSX Transportation and Louisville & Indiana Railroad Company, Supplemental EA: easement acquisition for joint operation and improvement of 106.5 miles of rail line from Indianapolis, IN to Louisville, KY, including a bridge replacement over Flatrock River in Columbus; Docket No. FD 35523

**County/Site info:** Bartholomew - Clark - Jackson - Johnson - Marion - Scott

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

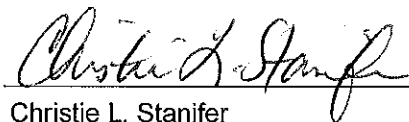
If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

**Regulatory Assessment:** This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1. An individual permit will be required for each affected stream having a drainage area greater than one square mile. Please submit a copy of this letter with the permit application.

**Natural Heritage Database:** The Natural Heritage Program's data have been checked. The species and natural community that have been documented within 1/2 mile of the project was provided in our previous letter dated October 3, 2013. Comments regarding potential impacts to the species and significant natural areas near the project were also provided in the previous letter.

**Fish & Wildlife Comments:** The recommendations in our previous letter still apply.

**Contact Staff:** Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife  
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer  
Environ. Coordinator  
Division of Fish and Wildlife

**Date:** April 10, 2014



E1 - 20441

**Steven L. Beshear**  
Governor

**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

April 16, 2014

**Michael W. Hancock, P.E.**  
Secretary

Mr. Dave Navecky  
Surface Transportation Board  
395 E Street, SW  
Room 1104  
Washington, DC 20423

**SUBJECT:** STB Docket No. FD 35523, CSX Transportation, Inc. – Joint Use – Louisville and Indiana Railroad Company, Inc.: Consultation on Scope of Supplemental Environmental Assessment

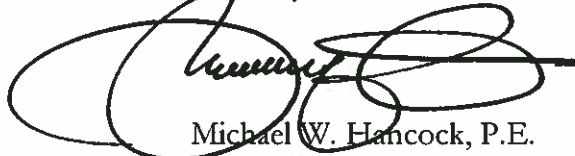
Dear Mr. Navecky:

Your correspondence to Governor Beshear was forwarded to the Kentucky Transportation Cabinet (KYTC) for response regarding the above subject. We appreciate the opportunity to review and comment.

Of the key potential operational impact categories addressed in the Supplemental EA, KYTC has particular interest in grade-crossing safety, vehicle delay, and emergency response. Regarding these categories, KYTC supports the Proposed Transaction as it will result in up to an estimated 15 fewer trains per day operating on CSXT rail lines between Louisville and Cincinnati, an approximate 100-mile stretch of rail with more than 100 public highway-railroad at-grade crossings. The reduction in train traffic at public highway-railroad at-grade crossings will improve safety and emergency response time while also reducing vehicle delay. The Proposed Transaction's resulting shift in train traffic may yield the opposite response on a short segment of LIRC track within Louisville. This segment of LIRC includes three public highway-railroad at-grade crossings, each being on local city streets with very little vehicular traffic.

If you have any questions or wish to discuss this further, please contact Lynn Soporowski or Casey Wells, Division of Planning 502-564-7183.

Sincerely,



Michael W. Hancock, P.E.  
Secretary

c: Governor's Office  
Steve Waddle, State Highway Engineer  
John Moore, Director, Div. of Planning  
Lynn Soporowski, Div. of Planning  
Casey Wells, Div. of Planning



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E1-20451

STEVEN L. BESHEAR  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET  
KENTUCKY HERITAGE COUNCIL**

BOB STEWART  
SECRETARY

**THE STATE HISTORIC PRESERVATION OFFICE**  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-7005  
FAX (502) 564-5820  
[www.heritage.ky.gov](http://www.heritage.ky.gov)

**CRAIG POTTS**  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

April 18, 2014

Victoria Rutson  
Director, Office of Environmental Analysis  
395 E Street, SW  
Room 1104  
Washington, DC 20423

**Re: STB Docket No. FD-35523, CSX Transportation Inc. Joint Use Louisville and Indiana Railroad Company,  
Inc: Consultation on Scope of Supplemental Environmental Assessment**

Dear Ms. Rutson,

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 USC Sec 470f), and implementing regulations at 36 CFR Part 800, The Kentucky State Historic Preservation Office received a letter from your offices requesting input on the scope of the Supplemental Environmental Assessment mentioned above.

The undertaking proposes, with permission from the Board's Office of Environmental Analysis, to approve acquisition of CSXT trains to operate over the L&I line. It is our understanding that our offices received a Draft Environmental Assessment in August of 2013. We understand that the proposed transaction would not include any construction or ground disturbing activities on any of the CSXT rail lines.

Thank you for coordinating with this office. If the project design or boundaries change, this office should be consulted to determine the nature and extent of additional documentation that may be needed. If you should have any questions, please contact Burcum Keeton of my staff at (502) 564-7005, ext. 147.

Sincerely,

Craig Potts  
Executive Director and  
State Historic Preservation Officer



# Surface Transportation Board

## Incoming Correspondence Record

#EI-20443

E-Filing Correspondence Information		Status: In Process	
* Required Fields		Recorded by David Navecky on 04/21/2014	
*Docket #:	FD 35523 0	Affiliation:	State Agency
*Name of Sender:	Ron Price	Letter Type:	E-filing
Group:	Kentucky Division of Air Quality	NEPA Type:	Scoping
Attention Of:	Dave Navecky	In Public Docket?	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Date Received:	04/21/2014	Phone Number:	502-564-2150
Date of Letter:	04/21/2014	Email Address:	ronald.price@ky.gov
Group's Address:	300 Fair Oaks Lane	Group's Zip Code:	40601-
Group's City:	Frankfort		
Group's State:	KY		

### Submitter's Comments

Kentucky Division for Air Quality Regulation 401 KAR 58:025, Asbestos Standards, apply to this project, and the project must be inspected by a Kentucky Accredited Asbestos Inspector. Asbestos that will be affected by this activity must be removed by a Kentucky accredited contractor before renovation or demolition begins. Written notification must be given on form DEP 7036 to the Division for Air Quality, Paducah Regional Office at least 10 weekdays prior the start of demolitions, whether or not asbestos has been identified to be present. Please note form DEP 7036 and the Asbestos Fact Sheet located at <http://air.ky.gov/Pages/OpenBurning.aspx>

Kentucky Division for Air Quality Regulation 401 KAR 63:010 Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <http://air.ky.gov/Pages/OpenBurning.aspx>

Kentucky Division for Air Quality Regulation 401 KAR 63:005 states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <http://air.ky.gov/Pages/OpenBurning.aspx>

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. More importantly, these strategies are beneficial to the health of citizens of Kentucky.

§ Utilize alternatively fueled equipment.

§ Utilize other emission controls that are applicable to your equipment.

§ Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

### STB's Comments



Kristen Brown, Mayor

April 22, 2014

*Via Email to david.naveckyd@stb.dot.gov*

Dave Navecky  
Surface Transportation Board  
395 E. Street, SW  
Room 1104  
Washington, DC 20423

**Re: City of Columbus, Indiana's Response as an Interested Party to  
"STB Docket No. FD 35523, CSX Transportation, Inc. – Joint Use –  
Louisville and Indiana Railroad Company, Inc.: Consultation on  
Scope of Supplemental Environmental Assessment**

Mr. Navecky:

I am in receipt of the above referenced request for input on a joint use by CSX Transportation and Louisville & Indiana Railroad. My response is made on behalf of the community and as the Mayor of the City of Columbus.

The City of Columbus is located approximately 45 miles south of Indianapolis and 70 miles north of Louisville. Our community's geography is unique in that our city is divided between the central core and the western portion by the current Louisville and Indiana Railroad line (please see the attached map). The central core contains the majority of our city's businesses, schools, services and our county hospital. The division between the western portion of our city from the central core is along one of the most highly traveled thoroughfares in our city – Indiana State Road 46.

Currently when a train crosses Indiana State Road 46 in Columbus on the Louisville and Indiana Railroad line, it routinely causes a backup of well over a mile reaching back to Interstate 65 which can then take up to an hour to finally resume regular traffic flow. Because of the age and condition of the bridge that the Indiana and Louisville Railroad line must use to cross the East Fork of the White River (immediately before reaching Indiana State Road 46), the train must decrease its speed to such a slow rate that traffic backups and delays are exacerbated. Just the traffic of two trains per day creates one of the biggest complaints within our community – the backups and delays along this highly traveled thoroughfare.

Beyond the inconvenience and more importantly, I am most concerned with the public safety and public service component of adding any additional train traffic to this portion of line – needless to say the thought of adding fifteen additional trains per day to this intersection is alarming at best. By adding additional trains, you are cutting the western portion of our city off from the vital public safety services that they must have – police, fire and emergency medical services. While we have a fire station in the western portion of our city, the other five fire stations are located in the central core, so backup response would be hindered. Emergency medical services (i.e. ambulances) would be cut off from the hospital or be delayed. Police services would be cut off from backup, department headquarters and the jail. Finally, our city bus depot is located adjacent to the railroad line and the backups inhibit the buses ability to keep their routes on time.

While I understand the need to offset capital improvement costs with additional revenue, I must firmly state my objection to increasing the number of trains that would utilize the current Louisville and Indiana Railroad line within the Columbus city limits. The safety of the citizens of our community would be impaired should the additional traffic be allowed to occur.

We would very much welcome a discussion of possible solutions, including improvements to the current line to increase the speed of which the trains are able to move through this intersection ***prior to*** any additional train traffic and potentially moving the current tracks to facilitate with the Indiana Department of Transportation's (INDOT) construction of a vehicle overpass which would eliminate all of our concerns (INDOT has shown a willingness to begin this dialogue).

Should you have any questions or if there is anything I could do to assist in this process, please let me know.

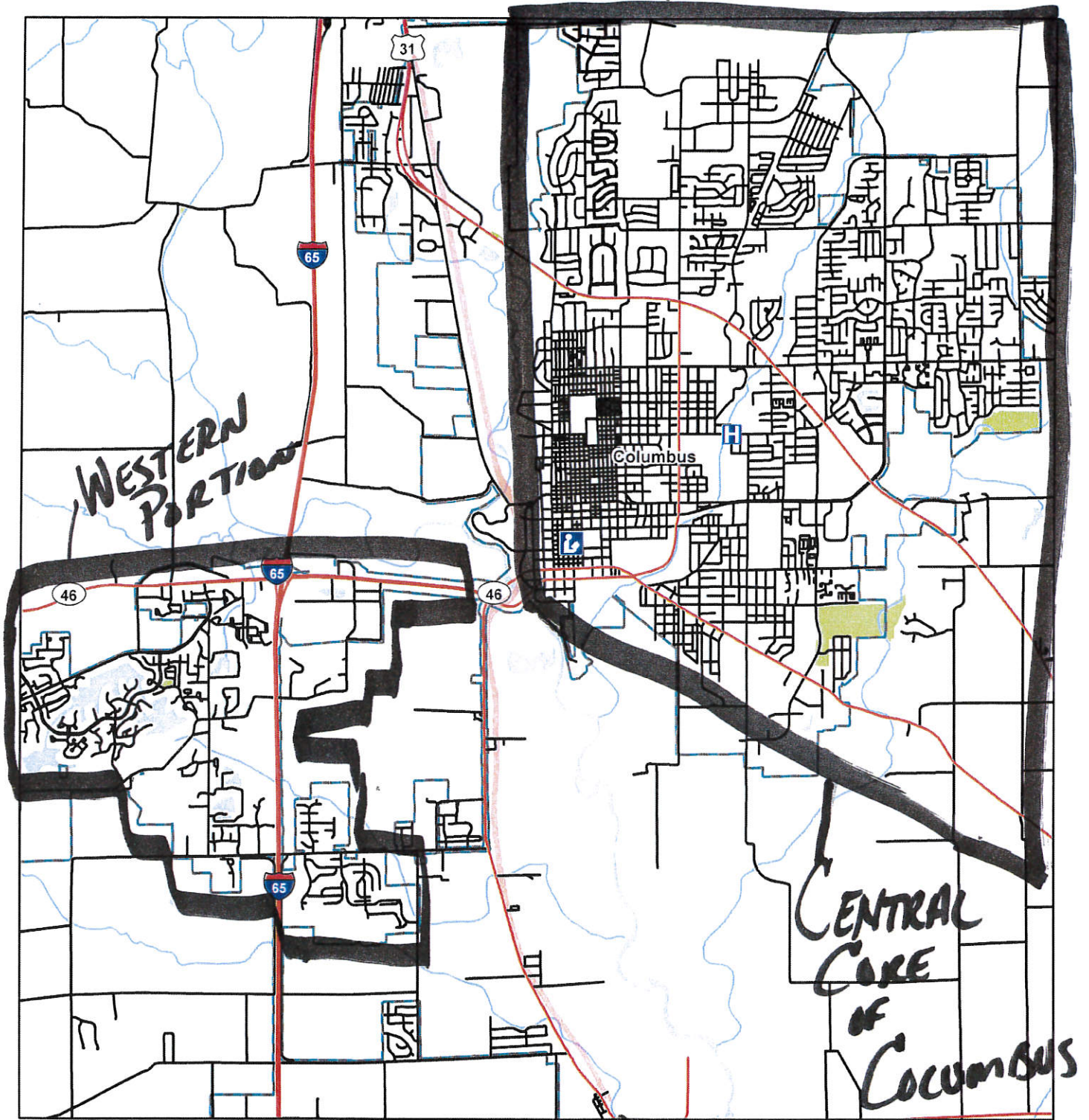
Sincerely,

A handwritten signature in black ink, appearing to read 'Kristen Brown', with a stylized flourish at the end.

Kristen Brown, Mayor



# Bartholomew County, IN



April 21, 2014

1:64,000  
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LOUISVILLE & INDIANA RR

E1-20450



**City of Sidney**

**Mike Barhorst, Mayor**  
**City of Sidney**  
201 West Poplar Street  
Sidney, Ohio 45365  
Phone: 1-937-498-8143 (City Clerk)  
Fax: 1-937-498-8119  
Email: jgoubeaux@sidneyoh.com

April 28, 2014

Mr. David Navecky  
Surface Transportation Board  
CSX/L&I Environmental Assessment  
395 E Street, SW  
Room 1104  
Washington, DC 20423

Re: STB Docket Number FD 35523, CSX Transportation, Inc. – Joint Use – Louisville and Indiana Railroad Company, Inc.: Consultation on Scope of Supplemental Environmental Assessment

Dear Mr. Navecky:

I am in receipt of your correspondence dated March 21<sup>st</sup> concerning the above-referenced matter. Thank you for requesting input from the City of Sidney.

Be advised that I have spoken to a host of local public officials including City Manager Mark Cundiff, Law Director Jeff Amick, Fire Chief Bradley Jones, and Police Chief William Balling. No one with whom I have consulted sees any adverse impact on the City of Sidney as a result of the proposed transaction, with one caveat.

The only grade crossing within the City of Sidney over which the increased traffic would pass is the Vandemark Road crossing. Vandemark Road is a heavily traveled, four-lane, interior corridor. If, for any reason, a train should come to a stop blocking that crossing, it could create significant difficulty for emergency responders.

However, that crossing has been in place since 1853. In all that time, there is no recollection that such a situation has occurred, with one exception. In 1995, an eastbound train stopped there to allow the Sidney Fire Department to extinguish a fire onboard the train and clean up the acid spill that caused the fire. Despite the fact that the crew was aware of the situation as the train crossed the state line from Indiana, they purposely stopped at that crossing knowing that there would be enough room for our fire department to extinguish the blaze, and that we had a Haz-Mat unit that could clean-up the mess.

I also took the opportunity to speak to representatives of business and industry located along Vandemark Road. The only concern was expressed by representatives of Cargill. Cargill operates a large soybean processing plant adjacent to the track. Their only concern

was that which I have already noted – that the crossing not be blocked for prolonged periods of time, as Vandemark Road is the primary delivery route for trucks bringing raw product to the plant. In the event of fire or other emergency, it would also be a route that emergency vehicles could travel on their way to the facility.

Aside from the concerns noted above, I would like to make the following observation. The north/south track from which eleven trains per day are being diverted is, in many areas, a single track. Each train has to yield the right of way several times as it travels that section of track. The east/west line has double track, alleviating the need to yield to oncoming traffic. Common sense would indicate that should dramatically improve the safety of our community.

Should you have any questions or concerns regarding this matter, do not hesitate to contact me. Again, I want to thank you for requesting local input regarding this request.

Sincerely,



Mike Barhorst  
Mayor

c: City Council  
M. Cundiff  
J. Goubeaux  
W. Balling  
B. Jones  
K. McMillan  
M. Deitrich  
file



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EI- 20452

Rec'd

5/8/14

MAY 01 2014

REPLY TO THE ATTENTION OF:  
E-19J

Dave Navecky  
Surface Transportation Board  
329 F Street, SW  
Room 1104  
Washington, D.C. 20423

Re: Comments for STB Docket No. FD 35523, CSX Transportation, Inc. – Joint Use-  
Louisville and Indiana Railroad Company, Inc. : Consultation on Scope of  
Supplemental Environmental Assessment

Dear Mr. Navecky:

The U.S. Environmental Protection Agency reviewed the Draft Environmental Assessment (EA) submitted by the Surface Transportation Board (STB) and submitted comments back to STB on October 31, 2013. The document was reviewed pursuant to our authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

At this time, STB is seeking additional comments on the scope of a Supplemental EA. The Draft EA addressed the request of the joint use of the Louisville & Indiana Railroad (L&I), 106.5-mile rail line. The requesting parties are CSX Transportation, Inc. (CSX) and L&I. The proposed transaction would be to acquire an operating easement that would allow CSX trains to operate over the L&I rail line, along with the L&I trains that are currently operating on their line.

This operating easement would result in increased train traffic, and changes in train movement on CSX's own rail line network. If permission is granted, CSX would improve the L&I rail line. These improvements would allow CSX to move trains that are longer, faster and heavier than what the L&I rail line can currently accommodate, and would increase the number of trains using the L&I line.

As stated in the October 31, 2013 EPA comment letter, our concerns remain focused on the impacts to the environment and human health. Topics of concern include wetlands mitigation, threatened and endangered species, as well as wildlife and habitat disturbances. In the Supplemental Draft EA, we ask that the concerns described in the October 31, 2013 EPA letter

be addressed fully and the cumulative impacts associated with the project also be included. Since there will be larger, heavier, and faster trains on the L&I line and modifications to service frequency on both lines, what are the potential cumulative impacts on each line? The document has stated that there will be an economic benefit if this operating easement is granted, but how will the new construction and modified freight train service impact the environment?

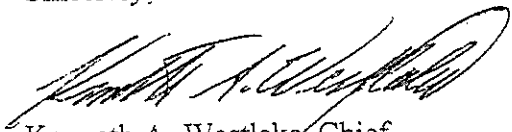
The document states that the "key operational impact categories" will be evaluated. These categories include: grade-crossing safety, emergency response, noise and vibration, land use, community resources, water resources, biological resources, air quality, and environmental justice. EPA agrees with the need to assess the construction-related impacts as well as the operational-related impacts resulting from this project.

In addition to the operational impact categories and the October 31<sup>st</sup> comments, the following comments, questions and concerns that the Supplemental Draft EA should consider addressing:

1. Will the upgraded rail lines and rail cars required need supporting/ancillary facilities/staging areas? Would these facilities be temporary for construction purposes or permanent?
2. The Draft EA did not mention an analysis of climate change or adaptation to climate change. U.S. EPA asks that STB address the potential impacts of climate change to the resources of this project. What would the impact be to the project of increased frequency and intensity of precipitation events? How would a severe drought affect the project, such as overheated rails? What adaptations will be considered to address these potential climate change impacts?

We appreciate the opportunity to provide scoping comments for the Supplemental Draft EA. We are available to discuss these comments at your convenience. Please feel free to contact me at 312-886-2910 or Shanna Horvatin of my staff at 312-886-7887 or [horvatin.shanna@epa.gov](mailto:horvatin.shanna@epa.gov).

Sincerely,



Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Enclosure: Copy of USEPA Comment Letter, October 31, 2013





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 31 2013

OFFICIAL  
FILE COPY

REPLY TO THE ATTENTION OF  
E-19J

Victoria Rutson, Director  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW, Room 1104  
Washington, DC 20423

RE: Comments on the Draft Environmental Assessment for the Docket No. FD 35523,  
CSX Transportation, Inc. - Joint Use - with the Louisville & Indiana Railroad  
Company, Inc.

Dear Ms. Rutson:

Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. Environmental Protection Agency (EPA) reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements (EIS), but we also have the discretion to review and comment on other environmental documents prepared under NEPA as interest and resources permit. We received the Draft Environmental Assessment (EA) for the above project, dated August 30, 2013. We contacted David Navecky by phone on September 27, 2013, regarding our concerns for the above project in Indiana and Kentucky, and in light of the then-pending federal government shutdown. Following the shutdown, we again contacted David Navecky on October 17, 21 and 28, 2013, and confirmed the deadline for public comment had been extended to November 1, 2013. Our specific comments are presented in the following five points and more general NEPA comments are provided in the enclosed Addendum.

1- Based upon Figures 2.2-1 inset, 2.9-1 and 2.10-1, we believe the full extent of this decision includes additional impacts that need to be considered in the NEPA analysis. We understand that eleven additional trains will run daily between Sidney, Ohio, and Indianapolis, Indiana, with some or all of them then routed south along the proposed Louisville & Indiana Railroad Company (LIRC) line to Louisville, Kentucky. These additional trains will pass through Indianapolis and terminate at a new location in Louisville. These will impose new impacts in Louisville, Indianapolis and along the Indianapolis to Sidney route of at least eleven additional trains magnitude. These impacts are not considered in this NEPA evaluation. Although these impacts are beyond the "logical termini" of the proposal, they are connected actions and should be addressed in this NEPA analysis.

2- The noise analysis results on Page 3-65 and Appendix G Figures 144, 145 and 146 did not appear to include Louisville or Indianapolis populations where a greater number of communities,

including those with environmental justice concerns, may be impacted. The Draft EA indicates that 1,551 noise receptor sites will experience adverse noise increases. The voluntary mitigation measures VM 57 and 58 are important steps to take. More importantly, the Draft EA is not clear that, with all the mitigation measures proposed, these 1,551 receptors will experience decreased noise impact to acceptable levels. Further, there is no post-project monitoring proposed to determine that these target reductions are achieved.

3- We understand that the proposed construction will be constrained to be within the existing right-of-way (ROW) resulting in some wetlands, ponds and floodplain areas that will not be avoided. Nevertheless, a NEPA analysis of water impacts should provide the public and decisionmakers with a full understanding of which waters will be impacted, their type, description and size, the amount and type of impact at each water body, and mitigation provided for each. This could be in a table format, but to simply state these impacts will be dealt with in permitting is inadequate. We concur with the U.S. Fish and Wildlife Service (USFWS) recommendations for construction measures on Page 3.36.

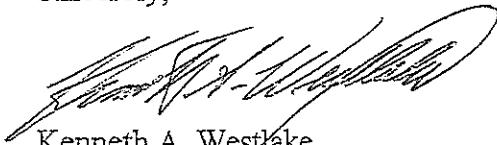
4- One bridge will require replacement, over the Flat Rock Creek. From the illustrations in Mark Wallschloger's letter from the Indiana Department of Natural Resources (INDNR), Appendix Figures 144, 145 and 146, it is clear the current bridge has caused extensive scouring of the banks. The new replacement structure should take extra care in design and construction to repair this scour and prevent future erosion at this site.

5- In discussion of project impacts to wildlife and habitats, the Draft EA states on Page 3-44, "The proposed increase in train traffic on the Line [sic the LIRC] could result in an increase in wildlife strikes. However, as noted previously, the proposed increase in train traffic on the Line would result from CSXT diverting existing train traffic from its connecting rail lines. Therefore, any increase in animal strikes on the Line could be offset by fewer animal strikes on CSXT's connecting rail lines." This conclusion is not supported by any analysis. Without further analysis available in the Draft EA than Figure 3.6-1, we conclude two impact outcomes. First, more trains at higher speeds are likely to produce more strikes to all species. Second, there is far more "priority Habitat" illustrated in Figure 3.6-1 in relation to the proposed LIRC Line than along the Ohio River CSXT Line; therefore greater impacts to threatened and endangered species, state priority species, and migratory birds are expected. While animal strike numbers have not been recorded and could be very difficult to obtain, we recommend that some method of estimating these impacts be devised, and mitigation measures be developed in concert with USFWS and/or INDNR.

We acknowledge the proposed care for threatened and endangered (T&E) species and mitigation measures presented on Page 3-45. Applicants have agreed "to limit project-related tree removal during the Indiana bat's roosting period (VM 21). Additionally, Applicants have agreed to best management practices (BMPs) during project-related construction to protect water quality and avoid or minimize potential impacts to the three mussel species discussed above (VM 12, VM 13, VM 14, VM 15, VM 16, VM 17, VM 18, VM 19, VM 27, and VM 28)." We commend these measures. However, the Draft EA further indicates that migratory bird roosting areas will experience potential impacts. We recommend there be mitigation with nearby habitat restoration at appropriate ratios to compensate such losses.

Thank you for the opportunity to comment on this Draft EA. If you have any questions on our comments, please contact me or have your staff contact Norm West of my staff at (312) 353-5692 or at [west.norman@epa.gov](mailto:west.norman@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth A. Westlake', written over a horizontal line.

Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Enclosure: Addendum- Comments by USEPA Region 4

**Addendum: Comments by U.S. EPA Region 4 on the STB Environmental Assessment for Their Docket No. FD 35523 Proposed CSX Transportation, Inc. Joint Use with the Louisville & Indiana Railroad Company, Inc.**

Rafael Santamaria

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Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA), Region 4 offers the following general comments/suggestions for your consideration /inclusion that could help facilitate your compliance with the NEPA regulations for this project **(Draft EA for CSX Joint use Louisville and Indiana Railroad)**

1. The Draft Environmental Assessment (DEA) development must be consistent with Section 309 of the Clean Air Act.
2. Any deconstruction (demolition) should be done according to the State Historic Preservation Officer (SHPO), the National Historic Preservation Act (NHPA)'s rules, regulations and guidelines and should ensure disposal of federal property is done according to federal regulations for disposal of federal property. Ensure the demolition and construction debris be properly handled by licensed contractors (if needed) and disposed in licensed sanitary landfills for each type of debris.
3. In construction/demolition projects, the DEA should address: proper handling of hazardous materials removal and disposal (asbestos, PCBs, lead from paint), and waste management (e.g., reuse or recycling as opposed to landfill dumping); wastewater management, indoor air quality, energy and water conservation (e.g., low flow toilets, energy efficient windows and doors, efficient lighting, etc.); other pollution prevention measures (e.g., use of materials with recycled content) as well as impacts to noise, traffic, air and water quality, wildlife and vegetation (could any endangered or threatened species be impacted?); erosion, sedimentation control, and impacts to historic resources.
4. The DEA and draft Finding of No Significant Impact (FNSI) should be made available for public inspection at various public locations. It would be very beneficial to ensure the public is well informed at all times through frequent public meetings, flyers, announcements and public hearings.
5. The DEA should address the needed and required permits, how to obtain them from the associated regulatory agencies and how to implement and comply with them.
6. The DEA should address land cleared, if any, or forested clear-cut harvested trees and should describe the type and age of trees present; will the trees be harvested? Concerning cumulative impacts, recently (in the near past/present/future) how many other sites and cumulative number of acres of land will or have been cleared at the facility/project?
7. The DEA should make sure decisions made based on archaeological surveys done in previous years are still valid.
8. The DEA should address impacts to traditional American Indian resources, if any, under the various alternatives. Consultation with the American Indian Tribes/organizations should be made and it should include a list of Tribes and or Native American Indian Organizations consulted about this project along with their responses and comments.
9. The DEA should address the Graves and Repatriation Act – (NAGPRA) to identify National Register-eligible archaeological sites; to ensure proper evaluations are carried out in order to

minimize the adverse impacts to historic properties in the project areas; and so that in the event burials are located during ground-disturbing activities, the proper procedures for unexpected discoveries are followed.

10. The DEA should discuss in some detail if there was any EJ community involvement, follow-up analyses, and/or outreach efforts performed. Also, what impact will the project have on minority businesses?

11. In addition to the noise analyses to be done related to the entire site, the DEA should also discuss what noise effects can be attributed to the temporary (state type and length of time) demolition and construction that will take place on the site.

12. The DEA should establish the contractor's procedures for borrow materials which should be according to local and state soil conservation rules and regulations to ensure the quality of the fill to be used and where the fill is borrowed from (to ensure protection of that environment).

13. If there are any reasons to expect the contractor to encounter any contaminated soils, this should be discussed in detail in the DEA and the proper studies of the site should be done along with the corrections before any work on the project is done by the contractor.

In addition, contaminated soils, solid wastes, chemicals and hazardous materials should be properly handled by licensed contractors and disposed in licensed sanitary landfills according to the type of waste; that chemicals and hazardous material be disposed of according to local, state, Federal rules, regulations, guidelines and requirements.

14. The DEA should include the latest cumulative impacts (past, present and future and also the total direct and indirect impacts) analysis as they affect the air quality in the area.

15. The DEA should address handling of above ground/underground storage tanks (AST/UST), if any, according to the State and Federal rules regulations and guidelines. The DEA should address the issue of removing or not removing them and should include state and federal documentation concurring/not concurring with the final decision.

16. The DEA should address the potential for impacts from air toxics associated with the project.

17. In general, construction activities should be restricted to existing rights-of-way, if possible and best management practices should be utilized. Impacts to wetlands, floodplains, and other sensitive resources should be avoided. If avoidance is not possible, mitigation must be offered to minimize adverse impacts. If construction must run through a wetland, the area should be restored to its "natural" state. That is, the affected area should be returned to its original soil horizon as well as original contours. Also, the area should be re-vegetated with indigenous species.

If structures must be placed in a floodplain, they should be constructed to minimize the infiltration/inflow (I/I) of flood waters and should be sturdy enough to withstand the uplift and velocity forces of such waters. To minimize impacts to prime farmland and public health, water and sewer lines should not run directly through fields or obstruct the flow of water to crops. The land should be returned to its original contour and re-vegetated with indigenous plant life.

Ancillary facilities (e.g., pump stations) should be designed so not to impede the natural flow of flood waters.

Since soil disturbance associated with the demolition and construction would require disturbance to the existing site soils topography it could generate considerable amounts of storm water, erosion and environmental harm, the owner should require the personnel involved in the project, including the consultant engineers and contractors to comply with existing local, state and federal rules, regulations and guidelines to minimize potential adverse impacts on wetlands, groundwater, aquifers, creeks/rivers, lakes, ponds, reservoirs, and water quality. The owner should comply with

the local and state erosion and sediment rules and guidelines; the Clean Water Act; the required state and Corps of Engineers permits; the Executive Order 11988 - Flood Plain Management and the Executive Order 11990 - Protection of Wetlands. Runoff controls should be updated periodically for the duration of the construction (e.g., every 2-3 months and maintained to help ensure success - e.g., silt fences emptied and hay bales replaced).

18. The owner should encourage the contractors to maintain and operate all construction equipment per manufacturer's specifications and recommendations to minimize air emissions. The owner should also consider offering incentives for contractors to specify the use of retrofitted diesel equipment or purchase of available ultra-low diesel fuel in their bids. The DEA should address the impact of the construction on the air quality if some of the construction could be done at night.

19. The Final EA should include Time Schedule showing proposed start and finish dates for each project task.

20. The long-term and indirect impacts of the proposed action should be considered. If the extension of service to the proposed users could cause further development of an environmentally sensitive area, alternate alignments/sites should be considered.

21. Recycling should be done according to DoD 4160.21-M/chapter 7 RESOURCE RECOVERY AND RECYCLING PROGRAM (RRRP) which states: All installations, worldwide, shall have recycling programs as required by Executive Order 12780. Pursuant to Public Law 97-214 (10 USC 2577), and DoD Instruction (DoDI) 4715.4, Pollution Prevention.

22. The EPA suggests the recommendations made by Green Building to be followed whenever possible. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. Research and experience increasingly demonstrate that when buildings are designed and operated with their lifecycle impacts in mind, they can provide great environmental, economic, and social benefits.

Elements of Green building include:

\*Smart Growth and Sustainable Development \*Energy Efficiency and Renewable Energy \*Water Stewardship \*Environmentally Preferable Building Materials and Specifications \*Waste Reduction \*Toxics and \*Indoor Environments.

Additional information on Green Building can be found at:

<http://www.epa.gov/greenbuilding/>

<http://www.greenbuilding.com/>

[www.epa.gov/greenbuilding](http://www.epa.gov/greenbuilding)

[www.greenhighways.org](http://www.greenhighways.org)

<http://www.usgbc.org/>

[www.greenseal.org](http://www.greenseal.org)

Other links

Waste Reduction Resource Center - hosted by North Carolina but it is an EPA Region 4 resource

<http://wrrc.p2pays.org/>

Industrial materials - <http://www.epa.gov/osw/conserve/irr/imr/index.htm>

[http://www.fema.gov/plan/prevent/fhm/dl\\_zone.shtm](http://www.fema.gov/plan/prevent/fhm/dl_zone.shtm)

C&D - <http://www.epa.gov/osw/conserve/irr/imr/cdm/>

[www.epa.gov/nscep/](http://www.epa.gov/nscep/)

<http://www.pavementpreservation.org/toolbox/links/arrafull.pdf>

<http://www.secement.org/fdr.htm>

[http://www.cement.org/pavements/pv\\_sc\\_fdr.asp](http://www.cement.org/pavements/pv_sc_fdr.asp)

<http://www.techtransfer.berkeley.edu/newsletter/04-2/refs.php>

<http://www.youtube.com/watch?v=s7w7gsFYNzA>

Standard bcc's:      Originator's File Copy  
                             Official File Copy  
                             NEPA Reading File Copy

Other bcc's:

Author:            Norman R. West

Filename:        G:/OECA/NEPA/Norm/ ReviewEA/TN/STB-CSX-LIRCjoint useIndy-to-Louisville.doc

Control Number:

Rating:

Summary:

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**CONCURRENCES**

<i>Org/Unit:</i>	Author	Plain Lang.	Section Chief	Admin/ Clr.	DD/ AD	ORA (St. Coord)	ORA
<i>Initial/Date:</i>	<i>NRW</i> 11/1/13	<i>SPW</i> 10/31/13	<i>SPW</i> 10/31/13				
<i>Other Concurrences:</i>							



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July 18, 2014

Ms. Victoria Rutson  
Director, Office of Environmental Analysis  
395 E Street, SW  
Washington, DC 20423-001

RE: **Finance Docket No. 35523 CSX Transportation, Inc.—Joint Use—Louisville & Indiana Railroad Company, Inc.**

Dear Ms. Rutson:

As the Office of Environmental Analysis (“OEA”) requested, CSX Transportation, Inc. (“CSXT”) has reviewed HDR’s April 7, 2014 memorandum summarizing preliminary findings of an HDR field reconnaissance conducted on OEA’s behalf in the above-referenced proceeding. The objective of the field reconnaissance was to collect data to address the U.S. Environmental Protection Agency’s (“EPA”) Oct. 31, 2013 comment letter on the Draft Environmental Assessment. In its comments, EPA requested more information on wetlands and other waters of the U.S. that could be affected by potential Transaction-related bridge and siding construction activities. For any waters of the United States that could be impacted, EPA requested that it be characterized by type, size, and extent of potential impact.

Under the Proposed Transaction, the Flatrock River Bridge would need to be replaced because of existing restrictions on train height and weight at the bridge. The HDR field reconnaissance identified an area southeast of the bridge that met forested wetland criteria. Depending on the design characteristics and construction plans for the replacement bridge, a permit under Section 404 of the Clean Water Act could be required if this wetland area would be disturbed.

In their Application, CSXT and Louisville & Indiana Railroad Company, Inc. (“L&I” and together with CSXT the “Applicants”) also indicated that existing sidings on the L&I rail line at Elvin and Brook could be extended and new sidings on the L&I rail line near Crothersville and Underwood could be constructed by Applicants. However, as noted in the Application, Applicants had not determined at the time this Board proceeding began if any of the sidings would be necessary for operations.

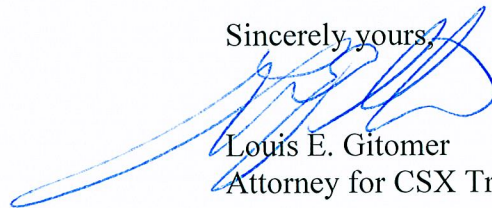
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The HDR memorandum notes that wetlands and other waters of the United States are prevalent at the locations of the potential new sidings at Crothersville and Underwood. In addition, historic and cultural properties including stone culverts, a state historic park and a cemetery were identified on or adjacent to the L&I right-of-way at the Crothersville and Underwood locations.

After carefully considering the information presented in the HDR memorandum, CSXT has reconsidered the potential new sidings at Crothersville and Underwood. Rather, Applicants now intend to rely on extending the existing sidings at Elvin and Brook, if either or both are determined necessary for operations. As a result, Applicants' current plans no longer contemplate any new sidings.

If you have any questions or concerns or if you need additional information, please contact me.

Sincerely yours,



Louis E. Gitomer

Attorney for CSX Transportation, Inc.